

detainees against whom no case has been filed, and take measures to alleviate prison overcrowding, especially in the cachots, through, for example, the building of prisons;

- ♦ ensure that the process of investigation and prosecution with regard to the perpetrators of genocide are conducted according to international human rights standards, including by informing detainees of their right to fair trial;
- ♦ amend the Genocide Act to meet international standards, including the right of the court to consider mitigating circumstances and to allow a full right of appeal;
- ♦ recognize rape as a form of torture and ratify the Convention against Torture;
- ♦ ensure that the Ministry of Justice and the national prosecutors prosecute cases of sexual violence;
- ♦ establish an inter-ministerial task force to focus on sexual violence during the genocide and develop programmes to address the consequences of sexual violence, for example, by creating a mobile health unit to tour the country and treat affected persons; and
- ♦ continue, with the international community, special programmes aimed at empowering women economically and enact on an urgent basis the draft legislation giving women equal rights with regard to land and other assets.

In terms of non-governmental organizations, the report recommends, *inter alia*, that NGOs:

- ♦ work to sensitize women victims on the need to speak out in order to bring perpetrators to justice, and coach women witnesses in legal procedures and in giving testimonies before courts;
- ♦ monitor conditions of women in detention and provide free legal assistance for women accused of having participated in the genocide; and
- ♦ involve women from all ethnic groups in their local and community organizations.

GENERAL ASSEMBLY

Special Representative of the Commission on Human Rights

The Special Representative's interim report to the 1998 General Assembly (A/53/402) contains information on, *inter alia*: the closure of the Human Rights Field Operation; effective functioning of an independent national human rights commission; security conditions and their effects on the situation of human rights; the status of the judicial and penitentiary systems; and economic and social factors.

The Special Representative (SRep) undertook two missions to Rwanda, from 8 to 15 June and from 31 August

to 7 September 1998. He was particularly interested in reviewing with the Government of Rwanda the progress achieved in the establishment and functioning of the National Human Rights Commission and in following up on developments affecting the Human Rights Field Operation in Rwanda, with a view to determining whether some initiatives could be considered to maintain a presence of the Field Operation to the satisfaction of the Government of Rwanda and of the High Commissioner. Concerning the latter, the report notes that the monitoring activities of the Operation had resulted in a tense relationship with the government and the authorities' statements that the intention had not been to bring a UN human rights operation to "police" the government. The government wished to place more emphasis on capacity-building, technical cooperation, training and education, in particular with the establishment of national institutions responsible for promoting and protecting human rights. The report notes that the government did not accept a revised mandate in which there was still a monitoring function. As a result, the Field Operation withdrew from Rwanda on 28 July.

Commentary related to the effective functioning of an independent national human rights commission notes: that it was established by Presidential Decree on 11 November 1997; the process of establishing the list of 10 candidates for membership on the Commission, to be submitted to the National Assembly, was continuing; and the government is aware of the need to move forward in order to enable the National Human Rights Commission to become operational on an independent basis.

With regard to security conditions in Rwanda and their effects on the situation of human rights, the SRep stated that deteriorating conditions in some neighbouring countries had had direct implications for the security of Rwanda. In this context the report notes, *inter alia*: in the past year, armed groups have committed the majority of reported incidents in Rwanda; these incidents were reported to have occurred primarily in the northwest but also, more recently, in central Rwanda; attacks have been carried out with alarming impunity; surviving victims of attacks have often been left destitute; principal targets were communal offices, schools, public transportation vehicles, and detention centres; most attacks were targeted on settlements where the primary victims were mainly returned 1959 refugees (old case-load returnees) from the former Zaire or Uganda, but also survivors of genocide; and to a lesser degree, local authorities or persons believed to inform and collaborate with the Rwandan Patriotic Army (RPA) were also targets. The report refers to the widely held belief that the armed groups comprise Interahamwe militia, elements of the former army (Forces armées rwandaises) and possibly recruits from the former Zairian army. Members of the local population are also believed to have joined the insurgency, sometimes through coercion or force.

According to the SRep, the majority of the right to life violations committed by state agents have occurred during the counter-insurgency operations of the